



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Roy Loventhal, Chairman
Livestock Sanitary Commission
2002 W. T. Waggoner Building
Fort Worth, Texas

Dear Mr. Loventhal:

Opinion No. 0-5357

Re: Purposes for which appropriation for "tick eradication and dip materials" may be expended.

Your letter of June 2, 1943, submits for an opinion of this Department the question whether the appropriation to the Livestock Sanitary Commission by H. B. 286, 48th Legislature, of \$5,000.00 "to be used to purchase tick eradication and dip materials" can be used to purchase spray pumps and hose, testing gadgets and materials used in testing dipping solutions, and to pay freight on shipments of such articles.

Webster's New International Dictionary, 2d Ed., defines the word "material" in part as follows:

"(1) The substance, or the parts, goods, stock or the like, of which anything is composed or made; as raw material."

"(4) The apparatus or implements necessary to the doing of anything; as, writing materials."

You advise that spray pumps and hose are necessary for the purpose of applying dip solution to sick and crippled livestock, baby calves, work stock and horses and cattle of extremely high value, when it is impracticable, or deemed unwise to put them through the vat. Testing gadgets and materials are obviously necessary to do the work.

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You also advise that for a number of years you have purchased such things from your appropriation for "dip material", and such purchases have not been questioned by the Comptroller. You state that during the same period freight on such items has been paid from the same appropriation.

Your question is answered in the affirmative. The word "material", as indicated above, may embrace the implements or apparatus necessary to do a particular thing. Departmental construction has attributed to it this meaning in connection with the appropriations to your Department from time to time for "dip material", and since the phrase is obviously susceptible of such construction, we regard ourselves as bound thereby.

With regard to the item of freight, you are advised that such may be charged to the "dip materials" appropriation, since it is an expenditure necessary to effect the purchase or acquisition of the materials mentioned.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

R. W. Fairchild

R. W. Fairchild
Assistant

RWF-MR

APPROVED JUL 19, 1943

Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

